

REMARKS

This paper is in response to the Office Action mailed June 11, 2008. Claims 1-9, 19, and 22-23 are pending in the present application. The Examiner has rejected all pending claims. In view of the following remarks, Applicant requests reconsideration of the present application.

Rejection Under 35 U.S.C. 112

The Examiner has rejected claims 1-9, 19, and 22-23 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The written description requirement is defined by 35 U.S.C. 112, first paragraph, which states that “[t]he specification shall contain a written description of the invention” Along this regard, the Manual of Patent Examining Procedure (“M.P.E.P.”) states: “The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” *M.P.E.P.* §2163.02. Thus, the written description requirement is met as long as the claimed invention is described in some manner in the specification, such as explicitly, implicitly, or otherwise.

Contrary to the assertion in the Office Action, the recitation of “a first set of presentation settings”, “by a first user”, “a second set of presentation settings”, “by a second user”, “a first set of portions” and “a second set of portions” in claim 1 is at least implicitly described in the specification at the time of filing. For example, basis for this recitation can be found in at least the following portions of the specification, in which emphasis has been added: paragraph [0031], lines 1-3 (Based on coordinating the user-specified presentation settings with the various portions of the audio/video program, the preferences module is configured to coordinate storage of the user-specified presentation settings for those portions of the audio/video program); and paragraph [0031], lines 20-22 (Such configuration is useful, for example, to allow different users to customize playback of the audio/video program in accordance with respective user-specified presentation settings). At least in light of the above noted portions of the specification, those of ordinary skill in the art would understand that Applicant had possession, at the time of filing, of

the claimed invention reciting “a first set of presentation settings”, “by a first user”, “a second set of presentation settings”, “by a second user”, “a first set of portions” and “a second set of portions”. To the extent the Examiner is requiring basis in the specification using the same terms or *in haec verba*, such a requirement is contrary to the guidelines set forth in the M.P.E.P.

In addition, contrary to the assertion in the Office Action, the recitation of “a first user-specified display setting”, “a second user-specified display setting” and the display settings “corresponding to different ones of a letterbox setting, a non-square zoom setting, a pan and scan setting, and a pillar-box setting” in claim 19 is described in the specification at the time of filing. For example, basis for this recitation can be found in at least the following portions of the specification, in which emphasis has been added: paragraph [0019], lines 9-13 (Examples of display settings that can be specified include, but are not limited to, a brightness setting, a black and white setting, a contrast setting, a color setting, a fast motion setting, a flicker setting, a gamma setting, a hue setting, a letterbox setting, a non-square zoom setting, a pan and scan setting, a pillar-box setting, a pixel blurring setting, a pixel sharpening setting, a red-eye setting, a slow motion setting, and a zoom setting); and paragraph [0025], lines 6-8 (As another example, the user can specify a display setting for one portion of the audio/video program and a different display setting for another portion of the audio/video program).

Further, contrary to the assertion in the Office Action, the recitation of “during initial playback” in claims 8 and 9 is described in the specification at the time of filing. For example, basis for this recitation can be found in at least the following portions of the specification, in which emphasis has been added: paragraph [0019], lines 2-5 (In particular, while viewing a particular portion of the audio/video program during an initial playback session, a user may wish to specify a presentation setting for a portion of the audio/video program); and paragraph [0022], lines 15-18 (Thus, once the user has customized playback of the audio/video program during the initial playback session, a customized viewing experience can be readily replicated without requiring the user to re-specify presentation settings during the subsequent playback session).

Thus, for at least the reasons discussed above, claims 1-9, 19, and 22-23 satisfy the written description requirement. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. 102 and 103

The Examiner has rejected the claims in view of Durden (U.S. 2004/0261099), Weaver (U.S. 6,694,087) and Sturgeon (U.S. 6,064,385).

As recited in claim 1, specification of a first set of presentation settings is coordinated with an audio/video program and “with a first user,” and specification of a second set of presentation settings is coordinated with the audio/video program and “with a second user.” By coordinating the first set of presentation settings and the second set of presentation settings with the first user and the second user, respectively, subsequent playback of the audio/video program can be customized for the first user and the second user in accordance with their respective preferences. In particular, the first set of presentation settings is applied during subsequent playback of the audio/video program “for said first user,” while the second set of presentation settings is applied during subsequent playback of the audio/video program “for said second user.”

The Examiner argues that Durden teaches the features of claim 1 in connection with its disclosure of a presentation profile. *See* Durden, paragraph [0112]. While a viewer at a particular location can customize viewing of a program based on a particular presentation profile, Durden fails to show or suggest functionality that allows another viewer at that location to customize viewing of the same program based on another presentation profile. In particular, Durden fails to show or suggest functionality to coordinate multiple presentation profiles with respective viewers, so that viewing of a program by one viewer can be customized based on one presentation profile, while viewing of the same program by another viewer can be customized based on another presentation profile.

The Examiner also argues that Weaver teaches the features of claim 1 in connection with its disclosure of an attribute window to define attribute values for audio tracks. *See* Weaver, col.

5, lines 39-64. While an operator can customize playback of audio tracks by defining a set of attribute values, Weaver fails to show or suggest functionality that allows another operator to customize playback of those audio tracks by defining another set of attribute values. In particular, Weaver fails to show or suggest functionality to coordinate multiple sets of attribute values with respective operators, so that playback of audio tracks for one operator can be customized based on one set of attribute values, while playback of those audio tracks for another operator can be customized based on another set of attribute values.

For at least these reasons, Durden and Weaver, whether taken alone or in combination, fail to show or suggest the subject matter that is defined by claim 1. Sturgeon fails to overcome the deficiencies of Durden and Weaver. Therefore, claim 1 and its dependent claims 2-9 should be in a condition for allowance.

The Examiner has not raised any prior art rejections for claim 19. Applicant submits that the cited references fail to show or suggest the subject matter that is defined by claim 19. Accordingly, claim 19 and its dependent claims 22-23 should also be in a condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is now in a condition for allowance. The Examiner is invited to contact the undersigned if there are any residual issues that can be resolved through a telephone call.

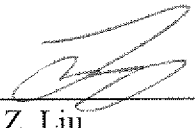
The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 50-1283.

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